

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) T00053	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>FILED ELECTRONICALLY</u> Signature _____ Typed or printed name _____	Application Number 09/902,128		Filed July 10, 2001
	First Named Inventor Ryan Shillington		
	Art Unit 2184	Examiner Yolanda L. Wilson	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
 Note: No more than five (5) pages may be provided.

I am the

<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 38,839 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	_____ /Kent B. Chambers/ _____ Signature Kent B. Chambers _____ Typed or printed name (512) 338-9100 _____ Telephone number March 6, 2007 _____ Date
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ryan Shillington, Will Scott, Dan Burton
Assignee: Trilogy Development Group, Inc.
Title: SYSTEM AND METHOD FOR REMOTELY DEBUGGING APPLICATION PROGRAMS
Serial No.: 09/902,128 Filed: July 10, 2001
Examiner: Yolanda L. Wilson Group Art Unit: 2184
Docket No.: T00053 Customer No.: 33438

Austin, Texas
March 6, 2007

PRE-APPEAL BRIEF ARGUMENTS

Dear Sir:

This paper accompanies the Pre-Appeal Brief Request for Review and sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1-44 are pending.

Claims 1-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,026,362 issued to Kim et al., (referred to herein as “*Kim*”) in view of U.S. Patent No. 6,938,245 issued to Spertus et al. (referred to herein as “*Spertus*”), and further in view of U.S. Patent No. 6,167,535 issued to Foote et al. (referred to herein as “*Foote*”).

ARGUMENTS

Applicants respectfully submit that the Examiner’s rejection contains factual errors and, thus, the Examiner has failed to satisfy the PTO’s burden of establishing a prima facie rejection.

Applicants respectfully submit that Claims 1-44 are allowable over *Kim* in view of *Spertus* and *Foote*. For example, Applicants respectfully submit that *Kim* in view of *Spertus* and *Foote* neither teaches nor suggests “displaying [a] user frame of the first web page in the web

browser at the workstation, wherein the user frame includes information generated by the application program.” Claim 1.

The Examiner admits that *Kim* and *Spertus* “fail to explicitly state receiving a first web page from the server for displaying a user frame in the web browser at the workstation; displaying the user frame of the first web page in the web browser at the workstation, wherein the user frame includes information generated by the application program.” Office Action, 9/6/2006, p. 4. The Examiner further states that *Foote* “discloses this limitation in column 7, lines 45-56.” Office Action, 9/6/2006, p. 4.

Claim 1 relates to “debugging an application program”. *Foote* describes the analysis of a Java program. Applicants respectfully submit that the HTML documents generated by *Foote* is an HTML document that provides results of a query regarding retrieved active objects obtained during run-time of the Java program but is not a “user frame of the first web page in the web browser at the workstation, wherein the user frame includes information generated by the application program” as required by claim 1. See, *Foote*, col. 6, lines 2-8. *Foote* provides examples of the HTML documents in Figures 8-16.

Foote teaches that, “In order to analyze the execution of a Java program, the user executes the program with a Java virtual machine.” *Foote*, col. 6, lines 2-3. “The virtual machine is responsible for interpreting the Java program, and compilation may be performed for increased efficiency.” *Id.*, lines 3-6. “FIG. 6 shows a process of storing information regarding active objects obtained during run-time of a Java program.” *Id.*, lines 6-8. “The information regarding active objects may be stored in a file or any other computer storage (e.g., memory).” *Id.*, lines 43-44.

“FIG. 7 shows a process of presenting information regarding active objects obtained during run-time.” *Id.*, lines 52-53. “At a step 451, the system retrieves stored information regarding active objects.” *Id.*, lines 52-55. “The information may include not only information about the active objects themselves, but also their relationships to each other.” *Id.*, lines 55-57.

“Once the information regarding the active objects is retrieved, the system receives a user query at a step 453.” *Id.*, lines 64-65. “In a preferred embodiment, the query is specified as a

Uniform Resource Locator (URL) into a HyperText Transport Protocol (HTTP) server.” *Id.*, col. 6, line 65-col. 7, line 1.

The following will describe queries that may be available:

An "All Classes Query" shows all of the classes that were present on the heap at run-time. The classes may be sorted by their fully-qualified class name and organized by package. An example of the results of this query is shown in FIGS. 8A-8E.

A "Class Query" shows information about a desired class. The information may include the superclass, any subclasses, instance data members, and static data members. An example of the results of this query are shown in FIG. 9.

An "Instances Query" shows all the instances of a specified class. An example of the results of this query are shown in FIG. 10.

An "Object Query" shows information about an object that was on the heap at run-time. Most notably, one may navigate to objects that refer to this object, which may be utilized to track down errors. An example of the results of this query are shown in FIG. 12.

A "Roots Query" provides the reference chains from to root set to a specific object. A chain will be provided from each member of the root set from which the object of interest is reachable. In preferred embodiments, the chains are calculated by a depth-first search in order to reduce the length of the chains. Other search techniques may also be utilized. The "Roots Query" is very valuable query for tracking down memory leaks as it may be utilized to determine why an object is still active. An example of the results of this query are shown in FIG. 13.

A "Reachable Objects Query" shows the transitive closure of all objects that are reachable from a specific object. This query may be useful for determining the total run-time footprint of an object in memory. An example of the results of this query are shown in FIG. (after FIG. 12).

An "All Roots Query" shows all the members of the root set. An example of the results of this query are shown in FIGS. 16A-16E.

Foote, col. 7, lines 3-37.

Thus, the HTML document generated by *Foote* and referenced by the Examiner is not a “user frame of the first web page in the web browser at the workstation, wherein the user frame includes information generated by the application program” as required by claim 1. Rather, the HTML document generated by *Foote* represents:

(i) “classes that were present on the heap at run-time” as shown in Figures 8A-8E;

(ii) “information about a desired class” as shown in Figure 9;

(iii) “all the instances of a specified class” as shown in Figure 10;

(iv) “information about an object that was on the heap at run-time” as shown in Figure 12;

(v) “reference chains from to root set to a specific object” as shown in Figure 13; and

(vi) “the transitive closure of all objects that are reachable from a specific object” as shown in “FIG. (after FIG. 12)”, (vii) “all the members of the root set” as shown in Figures 16A-16E.

Foote, col. 7, lines 8-37.

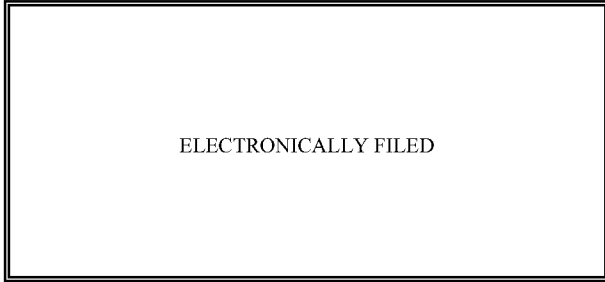
Accordingly, Applicants respectfully submit that *Kim* in view of *Spertus* and *Foote* neither teaches nor suggests claim 1.

Similarly, Applicants respectfully submit that *Kim* in view of *Spertus* and *Foote* neither teaches nor suggests independent claims 9, 17, 21, 29, and 36 which recite in part:

... [a] first web page ... , wherein the first web page comprises a user frame that includes information generated by the application program.

Accordingly, Applicants respectfully submit that the Examiner has made a material, factual error in interpreting *Krebs* and accordingly the Examiner has failed to establish a prima facie case.

In light of the above remarks, Applicants respectfully request withdrawal of the rejections.



Respectfully submitted,

/Kent B. Chambers/

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